IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

CRL.A.No. 165 of 2001

CC.62/1997 OF JUDL.MAGISTRATE OF FIRST CLASS-II, MUVATTUPUZHA.

APPELLANT/ COMPLAINANT:

MATHEW, S/O. LATE MATHAI, KARAKKUNNEL VEEDU,
KALLOORKKAD KARA, KALLOORKKAD VILLAGE.

BY ADV. SRI.THOMAS M.JACOB,
SRI.P.M.MOHAMMED SHIRAZ,
SRI.G.RAJAGOPAL.

RESPONDENTS/ ACCUSED:

1. **JOSHY, THAMARASSERIL VEEDU,**
   ENANALLOOR KARA,
   ENANALLOOR VILLAGE.

2. **STATE OF KERALA,**
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 07/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO. 165 OF2001

DATED THIS THE 7TH NOVEMBER 2007

JUDGMENT

The appellant is the complainant in C.C.No.62 of 1997 in the file of the Judicial First Class Magistrate Court-II, Muvattupuzha with respect to the offence under Section 138 of he Negotiable Instruments Act in which the accused stands acquitted.

Although notice was served, there is no appearance for the respondent/accused.

It was agreed at the time of hearing that the signature in Ext.D1 can be subjected to the opinion of the expert at the expense of the complainant. In the circumstances, the order of the court below is set aside. The entire matter is remitted back to the court below. The court below shall afford opportunity to the parties to adduce further evidence if they so desire. The matter would stand posted before the court below on 18-12-2007. The court below shall issue fresh summons to the accused. The appeal is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

ks.

K.R.UDAYABHANU, J

CRL.A. NO. 165 OF 2001

JUDGMENT

7-9-2007